

REMARKS

The Examiner subjected to the abstract for ungrammatical expressions therein and in response thereto the Applicants have amended the abstract herewith.

In addition, claim 10 has been objected to as being informal because of an inadvertent ungrammatical error. The present amendment corrects this informality.

Claims 1-3, 5-6, 8-11, and 13-15 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0176381 to Walsh in view of U.S. 6,375,956 to Hermelin. In this rejection, the Examiner states that Walsh discloses a package for enabling compliance with a regimen of dosage of medication over a period of time, the package comprising a backing having an array of receivers including columns and rows, a plurality of tablets and indicia disposed adjacent the columns and rows for displaying common days and successive weeks.

The Examiner relies on Hermelin, et al. for a disclosure of providing tablets at different dosages at different times in accordance of a regimen.

More particularly, the Examiner states that with regard to claims 2 and 10, Walsh discloses each row as a successive week and each column as a different day. As to claims 5 and 14, the Examiner has stated to provide an alternative of the rows being days and the columns being

weeks would have been an obvious modification of Walsh to one of ordinary skill in the art.

In response thereto, the Applicants submit that the Walsh reference is not a viable reference and in support thereof, submits a declaration under 37 CFR 1.131 showing established completion and reduction to practice in the U.S. of the claimed invention prior to the reference date.

The Applicants submit that the enclosed declaration filed pursuant to 37 CFR 1.131 establishes disclosure of each and every feature of the claimed invention on a date prior to the Walsh reference.

Accordingly, the Applicants respectfully request the Examiner to withdraw the rejection of claims 1-3, 5-6, 8-10, and 13-15 under 35 USC 103(a) on the basis of the Walsh and Hermelin, et al. reference.

Sole reliance on the Hermelin reference does not provide a prima facie case of obviousness of claims 1-3, 5-6, 8-10, and 13-15 under 35 USC 103(a).

Rejection of claims 4, 7, 12, 16-18, and 25 under 35 USC 103(a) on the basis of Walsh, Hermelin, et al., U.S. 5,922,773 to Lipton, et al. also fail to establish a prima facie case of obviousness with removal of the Walsh reference.

In view of the arguments hereinabove set forth and amendment to the abstract and claims, it is submitted that each of the claims now in the Application define patentable

subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectfully requested.

A petition for a one month extension of time to file a response to the outstanding Office Action is also enclosed herewith along with a check in the amount of \$120.

Respectfully submitted,



Walter A. Hackler, Reg. No. 27,792
Attorney of Record
2372 S.E. Bristol, Suite B
Newport Beach, California 92660
(949) 851-5010

**I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE U.S. POSTAL SERVICE
AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED
TO: COMMISSIONER OF PATENTS, PO BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450, ON**

March 17 2005

3/17/05

[Signature]
WALTER A. HACKLER
REG. NO. 27, 792

(DATE SIGNED)